

MINUTES

UTAH BOARD OF NURSING MEETING

July 12, 2012

**Room 474 – 4th Floor – 8:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:45 a.m.

ADJOURNED: 4:40 p.m.

Bureau Manager:
Board Secretary:

Debra Hobbins
Hailee Robertson

Division Staff:

Connie Call, Compliance Specialist
Mitchell Jones, Assistant Attorney General

Conducting:

Diana Parrish, Chair

Board Members Present:

Joel Allred
Diana Parrish
Sue Kirby
Barbara Jeffries excused at 2:15 p.m.
Debra Schilleman
Marie Partridge
John Killpack arrived 8:52 am
Tonya Bailey

Board Members Excused:

Peggy Brown
Alisa Bangerter

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS

May 10, 2012 Minutes:

Ms. Schilleman made a motion to approve the May 10, 2012 minutes with corrections. Ms. Kirby seconded the motion. All Board members in favor of the motion.

June 13, 2012 Minutes:

The June 13, 2012 minutes were tabled.

June 14, 2012 Minutes:

The June 14, 2012 minutes were tabled.

Connie Call,

Ms. Call reported the following individuals are out

Compliance Report:

of compliance with the terms and conditions of their Orders:

Brent Pace tested positive for alcohol.

Rebecca Davis tested positive for alcohol.

Carrie Frampton tested positive for oxycodone.

Sam Bellacomo is missing paperwork.

Tina Godbe is missing paperwork.

Ian Gowans did not submit the required evaluations.

Christopher Moore did not submit his evaluations.

Lauren Moger reported a relapse.

Sherry Mack is missing paperwork.

Toni Steinager did not meet with the Board as requested in May.

Rod Cromer is missing paperwork.

Diane Crossley is missing paperwork.

Susan Cluff is missing paperwork.

Lacy Tanner surrendered her license.

Separated into two groups at 9:05 a.m.

Group 1

Secretary: Hailee Robertson

Susan Merryweather,
Annual Interview:

Board members present: Susan Kirby, Debbie Schilleman, Joel Allred and Marie Partridge.

Ms. Merryweather reported she is doing better and continues with physical therapy for her knee. She stated she has not been employed in nursing since 2004; however she has been taking care of her elderly parents. She stated she keeps current and up to date through continuing education. Ms. Call reported Ms. Merryweather has been completely compliant with paperwork. She has been on probation eleven years but the probation time has not been tolled because she has not worked in nursing. Ms. Merryweather stated she is not taking any medications that have not been lawfully prescribed for her. She indicated she continues to take the medications prescribed for chronic pain. She stated she has no thoughts of relapse and has not relapsed. Mr. Allred question if she was planning on returning to nursing. Ms. Merryweather stated she would like to work one or two days a week. Ms. Merryweather questioned how long the probation would continue. Mr. Allred stated the clock doesn't begin until she is practicing nursing for at least 30 hours per week. Board members expressed concern with fitness to practice because Ms. Merryweather has not practiced for eight years and she continues to have

issues with chronic pain. Board members questioned if there was any recourse due to these concerns. Mr. Jones, Assistant Attorney General, suggested a non-disciplinary surrender. Ms. Merryweather stated she does not want to surrender her license. **Ms. Merryweather is in compliance with the terms and conditions of her Order. Board members requested she meet with the Board again October 2012.**

Toni Steiniger,
New Order:

Ms. Steiniger did not appear for her interview. Mr. Allred recommended she be referred for an Order to Show Cause Hearing. **Ms. Steiniger is out of compliance with the terms and conditions of her Order.**

Katie Blackham,
New Order:

Ms. Blackham explained the circumstances that brought her before the Board. Ms. Schilleman questioned Ms. Blackham regarding the medications she had in her possession. The Order indicates she had antibiotics in her freezer that were not hers. Ms. Blackham stated the charges were not true and came about because of a horrible divorce battle for two children. She also stated she does not have an alcohol problem. Ms. Blackham stated she is not taking any medications not lawfully prescribed for her. Her Order does not indicate she has a substance abuse issue so she does not need to attend 12-Step or PIR meetings. Ms. Blackham stated she understands the terms and conditions of her Order. **Ms. Blackham is in compliance with the terms and conditions of her Order and will be seen October 12, 2012.**

Katie Alleman,
Annual Interview:

Ms. Alleman reported everything is going well. She indicated she has been working at the Utah State Hospital since February 23 2011. Ms. Alleman stated she would like the Board to consider terminating her probation because she has consistently worked as an LPN for 19 months. She stated she has complied with everything the Board has requested of her and stated she has learned a lot of important lessons. She stated she wants to go back to school and get her RN degree but is unable to with her restricted license. **Ms. Alleman is in compliance with the terms and conditions of her Order.**

Brent Pace,
Quarterly Interview:

Mr. Pace stated he is doing well. Dr. Hobbins indicated she is concerned with the urine screen that is positive for alcohol. Mr. Pace stated he had a toothache and had frequent pain so would hold mouthwash in his mouth for long periods of time. He also stated the mouthwash may have fermented since it had been in the cupboard for a long period of time. Mr. Allred stated Mr. Pace's license is on the line and he should avoid anything that would come up positive in a urine screen. Mr. Pace requested early termination of probation; however, Board members stated they will not consider the request due to the positive urine screen. Mr. Pace needs to come into compliance and have no further issues for one more year. Mr. Pace reported his sobriety date is June 2008. He stated he has no thoughts of relapse and has not relapsed. He indicated he has a sponsor, but the sponsor is not always available. He stated he is not taking any medications not lawfully prescribed for him. Mr. Pace requested any practitioner at Central Medical Clinic be allowed to prescribe his medications. Board members indicated he can see any prescriber; however, only one practitioner can prescribe controlled substance medications. **Mr. Pace is out of compliance with the terms and conditions of his probation. He will be seen again October 12, 2012.**

Emily Wilson,
Quarterly Interview:

Ms. Wilson stated she is doing well. She indicated she can not find a job because she cannot pass narcotics. Board members stated they will consider allowing access to controlled substances once she submits a formal request. **Ms. Wilson is in compliance with the terms and conditions of her probation and will be seen October 12, 2012.**

Heather Holmes,
Probation Interview:

Ms. Holmes stated things are going well. She reported her sobriety date was Easter 2011. She stated she has had no thoughts of relapse and has not relapsed. She stated she attends AA meetings. **Ms. Holmes is in compliance with the terms and conditions of her probation. She will be seen October 12, 2012.**

Joanne Somers,
Interview:

Ms. Somers reported everything is going well. She indicated she signed an amended agreement and will have to complete a psychiatric evaluation. Ms.

Somers indicated she is currently looking for work in the Cache Valley area. She stated she is not currently taking any medications not lawfully prescribed for her. Ms. Somers stated her mother volunteers at a hospice and she would also like to volunteer at the same hospice. Committee members indicated she can volunteer, however, she could not volunteer as a nurse. **Ms. Somers is in compliance with the terms and conditions of her Order. She will be seen October 12, 2012.**

Group 2
Minute taker: Connie Call:

Board members present: Barbara Jeffries, John Killpack and Diana Parrish.

Tina Godbe,
Quarterly Probation Interview:

Ms. Godbe needs to submit a physical evaluation as required in the Order. She indicated she has an appointment on July 20, 2012 and will have her physician submit the evaluation. Ms. Godbe reported her sobriety date is November 28, 2008. Ms. Godbe is requesting she be allowed to attend four AA meetings per month in lieu of attendance at PIR meetings. Ms. Godbe stated she has a sponsor and meets with her once a week. She stated she has no thoughts of relapse. Committee members recommend she be allowed to attend four 12-step meeting per month. **Ms. Godbe is out of compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Rebecca Davis,
Division's request:

Ms. Davis was requested to meet with the Board due to positive urine screens. Ms. Davis indicated she took Nyquil a couple of times for a cold. Ms. Davis reported her sobriety date is June 12, 2008. Committee members questioned Ms. Davis regarding whether or not she felt taking the Nyquil was a relapse. Ms. Davis indicated she did not feel it was a relapse because she only took the Nyquil for an illness. Ms. Davis did indicate that her sponsor advised her not to take the Nyquil due to the alcohol in the medication. Committee members again questioned whether or not she felt she had a relapse. Ms. Davis indicated yes and her new sobriety date is June 16, 2012. Ms. Davis also stated she has percocet from a past medical procedure and Committee members indicated she would need to get rid of the medication because she would not have a current prescription for

it. Committee members will recommend a \$50.00 fine for non-compliance. **Ms. Davis is out of compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Sherry Mack,
New Order:

Ms. Mack's license was taken off suspension and placed on probation. She reported she completed an updated psychological evaluation on July 10, 2012. Ms. Mack reported her sobriety date is June 14, 2011. **Ms. Mack is in compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Amy Nau,
New Order:

Ms. Nau explained the circumstances that brought her before the Board. She reported she has a very strong support system. Ms. Nau stated she understands the terms and conditions of her Order. **Ms. Nau is in compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Cheryl Jensen,
Quarterly probation interview:

Ms. Jensen reported her sobriety date is January 7, 2011. She stated she has had no thoughts of relapse and has not relapsed. Ms. Jensen was informed the Board did not accept the document she submitted for her physical. She will need to obtain a physical examination and complete and submit the neuropsychiatric evaluation. **Ms. Jensen is out of compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Debra Davenport,
Quarterly probation interview:

Ms. Davenport explained why her paperwork was submitted late. Committee members indicated she is in compliance and the non-compliance will be changed to compliant. Ms. Davenport is currently employed at Bright Star. **Ms. Davenport is in compliance with the terms and conditions of her Order and will be seen again October 12, 2012.**

Jill Smith,
Quarter probation interview:

Ms. Smith is doing well and has submitted all paperwork. She requested she be allowed to fill prescriptions at two pharmacies. **Ms. Smith is in compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Lauren Moger,
Division's request:

Ms. Moger was requested to meet with the Board to discuss her relapse for ingesting alcohol. Ms. Moger

stated she did not have a good reason. She indicated she was charged with a DUI and has a court date in July. She reported her new sobriety date is June 7, 2012. Committee members suggested she complete ninety meetings in ninety days. Ms. Moger stated she contacts her sponsor once a week but more often when she is having issues or triggers. Ms. Moger is requesting additional time to complete her evaluations. Committee members will recommend to the full Board to extend Ms. Moger's probation for one year and to continue submitting monthly reports. **Ms. Moger is out of compliance with the terms and conditions of her Order. She will be seen again October 12, 2012.**

Adjourned to lunch at 11:21 a.m.
Reconvened at 12:45 p.m.

Carrie Frampton:
Request to begin refresher program:

Ms. Frampton met with the Board to explain the May 22, 2012 positive urine screen for oxymorphone. Ms. Frampton stated she had taken hydrocodone (Lortab) and does not remember the last time she had taken any medications with oxycodone. Ms. Call reported that the cut off levels exceeded the possible level of taking hydrocodone. The Division contacted Dr. Barry Lubin, Affinity's expert medical review officer, and requested he review the results. Ms. Frampton's urine screen tested positive for oxymorphone that registered at a level of 713. The cut off level for hydrocodone is 300. Dr. Lubin explained the high level would indicate a positive for oxymorphone.

Ms. Call reported that Ms. Frampton's employer contacted the Division and reported missing medications from the facility the first week-end in May. Ms. Call reported that on May 9, 2012 Ms. Frampton had a positive urine screen; however, she had submitted a prescription for hydrocodone cough syrup. Board members questioned Ms. Frampton whether or not any of the other employees tested positive for Lortab. Ms. Frampton stated no; however, she stated she also did not test positive for Lortab at that time. Mr. Allred indicated the Board wants her to be very clear so they can make an informed decision. Ms. Frampton's urine screen was more than double the cut off level for Lortab. Ms.

Frampton stated she has no explanation for how she would register positive. She stated she has no access to oxycodone. Mr. Allred stated she has already been to an OSC hearing and she was very lucky to be given second chance. Ms. Frampton stated she has never used medications that have not been prescribed to her by a physician. Ms. Schilleman asked which drugs Ms. Frampton has access to. Ms. Frampton stated regular narcotics, there could be someone at one time that needed oxycodone but as of right now, there is no oxycodone at her work place. She stated errors can be made in the urine screening process and she stated she is being 100% honest about having no clue why this substance would show up in her system. Ms. Schilleman questioned Ms. Frampton's parents whether or not they have seen any change in Ms. Frampton's behavior. Mr. Frampton stated absolutely not. He stated he is positive that Ms. Frampton has never taken oxycodone.

Mr. Allred questioned Ms. Frampton if she used someone else's urine when she tested. Ms. Frampton stated no. She reported her drug of choice is alcohol and she has never abused any medication or taken any medication that was not prescribed for her.

Ms. Parrish questioned whether or not any of the other nurses have ever questioned her regarding her problems? Ms. Frampton reported another nurse confronted her about slurring speech but Ms. Frampton stated the nursing administrator and director of nursing see her on a day-to-day basis have never spoken to her about slurring speech. Ms. Parrish question if she would be surprised that her supervisor reported she had slurred speech and it coincides with her positive test for oxycodone? Mr. Killpack stated he is concerned with her missed urine screens and suggested she be referred for an Order to Show Cause Hearing. Ms. Schilleman indicated that either Ms. Frampton ingested a medication and tested positive for it; or it is a chain of custody error. Ms. Schilleman stated there are very stringent rules at the testing facilities and it's not likely an error was made. Ms. Schilleman stated Ms. Frampton appears to have a history of impulsive behavior. The levels on the urine screen are consistent with ingestion, not mixing up

medications. Ms. Parrish agreed with an OSC Hearing. Ms. Jeffries made a motion to refer Ms. Frampton for an Order to Show Cause Hearing for her to show why the Board should not revoke her license. Mr. Killpack seconded the motion. One Board member opposed the motion, all other Board members voted in favor of the motion. The motion passed and Ms. Frampton will be referred for an Order to Show Cause Hearing.

Traci Lujan,
Request for re-licensure:

Ms. Lujan has requested her license be reinstated and has followed through with what the Board has requested. However, she missed calling in to Affinity at least 25 times. Ms. Lujan stated there have times when calling completely slipped her mind. Ms. Parrish indicated the Board needs at least 6 months of perfect attendance with Affinity. Mr. Allred indicated he is concerned that she is not ready for probation. This was her time to show us that she is 100% completely ready for the Board to return her license. Ms. Kirby stated her concern is that Ms. Lujan does not seem to feel that missing 25 times calling into Affinity is a very big deal. Ms. Lujan stated she has only missed one test in February. Mr. Allred stated the report indicates she has progressively missed more and more tests from February to June. Mr. Allred made a motion to require Ms. Lujan provide three months of perfect compliance with Affinity. Ms. Partridge second the motion. One member opposed. All other Board members in favor of the motion. The motion passed

Mardi Bartholdt,
APRN application:

Ms. Bartholdt submitted an APRN psychiatric nurse intern application. Ms. Bartholdt stated her education is outside the normal route for licensure and she requested a meeting with the Board to discuss her education. Ms. Bartholdt stated she graduated in 1993 with a master's degree as a clinical nurse specialist. In 2007 the statute changed and APRN licensure required additional graduate level coursework in pharmacology, health assessment and diagnosis. Ms. Bartholdt stated at that time she was working on the floor at the University of Utah as a clinical nurse specialist and loved her job. She indicated she was also in the National guard at that time. Ms. Bartholdt stated she later decided she wanted to move forward and Ms. Poe and Dr. Groot developed a plan for her to receive the additional education necessary to be

licensed as an APRN. She indicated she has kept her ANCC psychiatric nurse specialist certification current. Board members indicated she would have to be issued an intern license to obtain the 3,000 hours of supervised experience. Mr. Killpack made a motion to approve her psychiatric nurse intern license. Ms. Schilleman seconded the motion. All Board members voted in favor of the motion.

Heather Gibson,
RN application:

Ms. Gibson is requesting authorization to sit for the NCLEX-RN examination. Ms. Gibson is a graduate of a Canadian nursing program and would be required to obtain the Commission on Graduates of Foreign Nursing Schools Certificate to meet current law. Ms. Gibson stated she contacted the Division in 2009 and spoke with Ms. Poe. Ms. Poe indicated at that time Ms. Gibson would be required to take a refresher course in order to sit for the NCLEX examination because she had not practiced as a nurse for more than eight years but less than ten years. Ms. Gibson stated she completed the refresher program through Idaho. However, she is now just applying and wants the Board to waive the CGFNS examination. Board members stated their role is to protect the public and to uphold the laws and rules. Dr. Hobbins stated Ms. Gibson has two options. The first is to take the CGFNS, the second is to go to another state and become licensed and come in by endorsement. Ms. Gibson stated she will let the Division know how she will choose to proceed.

Report from Probation Peer Review
Committee:

Tina Godbe: Ms. Godbe requested she be allowed to attend four 12-step (AA) meetings in lieu of two PIR and two 12-step meetings. The recommendation from the Committee is to allow Ms. Godbe to attend four 12-step meetings per month. Three Board members opposed the recommendation, four Board members voted in favor of the motion. The motion passed. Dr. Hobbins indicated Ms. Godbe has been out of compliance since February and questioned whether or not the Board would like to issue a fine for non-compliance. Ms. Kirby made a motion to issue a \$25.00 fine for being non-compliant for five months. Ms. Jeffries seconded the motion. All Board members voted in favor of the fine.

Michael Ross: Mr. Ross requested he be allowed to work eight hours per week to start the clock on probation. He is attending school as a paramedic. Committee members made a recommendation to allow eight hours per week for a short period of time until he finishes his paramedic program. Board members denied the request.

Jill Smith: Committee members recommended Ms. Smith be allowed to fill prescriptions at two pharmacies, one pharmacy for compounding, and the second pharmacy for all other medications. Board members voted in favor of the recommendation.

Lauren Moger: Committee members recommended Ms. Moger's probation be extended one year due to the relapse. All Board members voted in favor of the recommendation. Ms. Moger also requested her deadline for submitting her evaluations be extended to September 30, 2012. Board members voted in favor of extending the time period; however, she will be issued a \$250.00 fine if she fails to submit the evaluations by September 30, 2012. All Board members in favor.

Rebecca Davis: Committee members recommend Ms. Davis be issued a \$50.00 fine for non-compliance. All Board members voted in favor of the recommendation.

Cheryl Jensen: Mr. Killpack made a motion that Ms. Jensen must complete a fitness for duty physical within 30 days or she will be issued a \$50.00 fine. Ms. Schilleman seconded the motion. All Board members voted in favor of the motion.

Toni Steiniger: Ms. Steiniger did not appear for her scheduled interview. Committee members recommend she be referred for an Order to Show Cause Hearing. All Board members voted in favor of the recommendation.

Katie Alleman requesting early termination. Committee recommends termination of her probation. Unanimous.

Brent Pace: Mr. Pace requested he be allowed to

see more than one prescribing practitioner. Board members indicated he can see any prescriber; however, only one practitioner can prescribe controlled substance medications.

Emily Wilson: Committee recommend Ms. Wilson be allowed to have access to controlled substances for six months and then re-evaluate how she is doing with access in six months. All Board members voted in favor of the recommendation.

Dr. Hobbins questioned how the Board would like to address all the non-compliant probationers. Mr. Killpack recommended issuing a warning letter for the first non-compliance. If the non-compliance is for positive drug screens, missed urine screens, poor performance, arrests, or poor evaluations, the probationer should also be scheduled to meet with the Board at the next meeting.

For the out of compliance probationers reported by Ms. Call, the following individuals will be invited to meet with the Board at their next meeting: Ian Gowens, Christopher Moore and Rod Cromar.

Probationer Requests:

Susan Cluff's essay was not accepted and needs to address insights as to the effects of her choices on personal and professional aspects of her life.

Debbie Kilgrow. Mr. Killpack made a motion to deny Ms. Kilgrow's request to work in home health. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

Melanie Larsen requested termination of therapy. Mr. Allred made a motion to deny the request until the Board receives an evaluation from a mental health professional. Mr. Killpack seconded the motion. All Board members voted in favor of the motion.

Discussion regarding paperless license:

Tabled.

Review DOPL Laws and Rules concerning Military Personnel:

Reviewed.

Division E-Mails and Environmental scan:

Justin White submitted an e-mail inquiring whether or not supervised clinical mental health practice hours as a licensed LCSW in New Mexico would be accepted

toward the APRN psychiatric mental nurse practitioner license. He indicated he graduated May 2012 from the University of Utah Family Psychiatric Mental Health Nurse Practitioner program and has been practicing as an LCSW in New Mexico. The rules specifically indicate that 2000 hours have to be obtained under an APRN psychiatric nurse practitioner. Mr. Killpack made a motion to deny the request because the role of the LCSW is different from the APRN psychiatric nurse practitioner role. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

The November 8, 2012 Board meeting will be changed to November 15, 2012.

A motion was made to elect Peggy Brown as Chair Elect. The motion was seconded. All Board members voted in favor of the motion.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 13, 2012
Date Approved

(ss) Diana Parrish
Diana Parrish, Chair, Utah Board of Nursing

September 13, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager, Division of Occupational
& Professional Licensing